

**Senate File 396 - Reprinted**

SENATE FILE 396  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1106)

(As Amended and Passed by the Senate April 1, 2013)

**A BILL FOR**

1 An Act relating to government operations and efficiency and  
2 other related matters, and including effective date and  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

1  
2  
3 Section 1. Section 8A.101, unnumbered paragraph 1, Code  
4 2013, is amended to read as follows:

5 As used in this chapter and chapter 8B, unless the context  
6 otherwise requires:

7 Sec. 2. Section 8A.103, unnumbered paragraph 1, Code 2013,  
8 is amended to read as follows:

9 The department is created for the purpose of managing and  
10 coordinating the major resources of state government including  
11 the human, financial, and physical, ~~and information~~ resources  
12 of state government.

13 Sec. 3. Section 8A.104, Code 2013, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 6A. Provide accounting and fiscal services  
16 and such additional assistance and administrative support  
17 services to the office of the chief information officer,  
18 created in section 8B.2, as the department and the office  
19 determines maximizes the efficiency and effectiveness of both  
20 the department and office.

21 Sec. 4. Section 8A.111, subsection 3, Code 2013, is amended  
22 by striking the subsection.

23 Sec. 5. NEW SECTION. 8B.1 **Definitions.**

24 As used in this chapter, unless the context otherwise  
25 requires:

26 1. "*Information technology*" means computing and electronics  
27 applications used to process and distribute information in  
28 digital and other forms and includes information technology  
29 devices, telecommunications devices, internet protocol  
30 solutions and devices, mobile devices, information technology  
31 services, infrastructure services, and value-added services.

32 2. "*Information technology device*" means equipment or  
33 associated software, including programs, languages, procedures,  
34 or associated documentation, used in operating the equipment  
35 which is designed for utilizing information stored in an

1 electronic format. *"Information technology device"* includes  
2 but is not limited to computer systems, computer networks, and  
3 equipment used for input, output, processing, storage, display,  
4 scanning, and printing.

5 3. *"Information technology services"* means services designed  
6 to do any of the following:

7 a. Provide functions, maintenance, and support of  
8 information technology devices.

9 b. Provide services including but not limited to any of the  
10 following:

11 (1) Computer systems application development and  
12 maintenance.

13 (2) Systems integration and interoperability.

14 (3) Operating systems maintenance and design.

15 (4) Computer systems programming.

16 (5) Computer systems software support.

17 (6) Planning and security relating to information  
18 technology devices.

19 (7) Data management consultation.

20 (8) Information technology education and consulting.

21 (9) Information technology planning and standards.

22 (10) Establishment of local area network and workstation  
23 management standards.

24 4. *"Information technology staff"* includes any employees  
25 performing information technology services, including but  
26 not limited to agency employees in information technology  
27 classifications, contractors, temporary workers, and any other  
28 employees providing information technology services.

29 5. *"Infrastructure services"* includes all of the following:

30 a. Data centers used to support mainframe and other  
31 computers and their associated components including servers,  
32 information networks, storage systems, redundant or backup  
33 power systems, redundant data communications connections,  
34 environmental controls, and security devices.

35 b. Servers, mainframes, or other centralized processing

1 systems.

2 *c.* Storage systems, including but not limited to disk, tape,  
3 optical, and other structured repositories for storing digital  
4 information.

5 *d.* Computer networks commonly referred to as local area  
6 networks.

7 *e.* Network services, including equipment and software  
8 which support local area networks, campus area networks, wide  
9 area networks, and metro area networks. Network services  
10 also include data network services such as routers, switches,  
11 firewalls, virtual private networks, intrusion detection  
12 systems, access control, internet protocol load balancers,  
13 event logging and correlation, and content caching. Network  
14 services do not include services provided by the public  
15 broadcasting division of the department of education.

16 *f.* Groupware applications used to facilitate collaboration,  
17 communication, and workflow, including electronic mail,  
18 directory services, calendaring and scheduling, and imaging  
19 systems.

20 *g.* Information technology help desk services.

21 *h.* Cyber security functions and equipment.

22 *i.* Digital printing and printing procurement services.

23 *j.* Data warehouses, including services that assist in  
24 managing and locating digital information.

25 *k.* Disaster recovery technology and services.

26 *l.* Other similar or related services as determined by the  
27 chief information officer.

28 6. "*Office*" means the office of the chief information  
29 officer created in section 8B.2.

30 7. "*Participating agency*" means any state agency, except  
31 the state board of regents and institutions operated under the  
32 authority of the state board of regents.

33 8. "*Technology advisory council*" means the council  
34 established in section 8B.8.

35 9. "*Value-added services*" means services that offer or

1 provide unique, special, or enhanced value, benefits, or  
2 features to the customer or user including but not limited to  
3 services in which information technology is specially designed,  
4 modified, or adapted to meet the special or requested needs  
5 of the user or customer; services involving the delivery,  
6 provision, or transmission of information or data that require  
7 or involve additional processing, formatting, enhancement,  
8 compilation, or security; services that provide the customer  
9 or user with enhanced accessibility, security, or convenience;  
10 research and development services; and services that are  
11 provided to support technological or statutory requirements  
12 imposed on participating agencies and other governmental  
13 entities, businesses, and the public.

14 Sec. 6. NEW SECTION. **8B.2 Office created — chief**  
15 **information officer appointed.**

16 1. The office of the chief information officer is created  
17 as an independent agency and is attached to the department of  
18 administrative services for accounting and fiscal services.  
19 The department of administrative services shall provide such  
20 additional assistance and administrative support services to  
21 the office as the department of administrative services and the  
22 office determines maximizes the efficiency and effectiveness of  
23 both the department and office.

24 2. The chief information officer, who shall be the head  
25 of the office, shall be appointed by the governor to serve at  
26 the pleasure of the governor and is subject to confirmation by  
27 the senate. If the office becomes vacant, the vacancy shall  
28 be filled in the same manner as provided for the original  
29 appointment.

30 3. The person appointed as the chief information officer  
31 for the state shall be professionally qualified by education  
32 and have no less than five years' experience in the field of  
33 information technology, and a working knowledge of financial  
34 management. The chief information officer shall not be  
35 a member of any local, state, or national committee of a

1 political party, an officer or member of a committee in  
2 any partisan political club or organization, or hold or be  
3 a candidate for a paid elective public office. The chief  
4 information officer is subject to the restrictions on political  
5 activity provided in section 8A.416.

6 Sec. 7. NEW SECTION. **8B.3 Office — purpose**  
7 **— mission.**

8 1. The office is created for the purpose of leading,  
9 directing, managing, coordinating, and providing accountability  
10 for the information technology resources of state government.

11 2. The mission of the office is to provide high-quality,  
12 customer-focused information technology services and business  
13 solutions to government and to citizens.

14 Sec. 8. NEW SECTION. **8B.4 Powers and duties of the chief**  
15 **information officer.**

16 The chief information officer shall do all of the following:

17 1. Direct the internal operations of the office and develop  
18 and implement policies, procedures, and internal organization  
19 measures designed to ensure the efficient administration of the  
20 office.

21 2. Appoint all information technology staff deemed  
22 necessary for the administration of the office's functions  
23 as provided in this chapter. For employees of the office,  
24 employment shall be consistent with chapter 8A, subchapter IV.

25 3. Manage, in consultation with the applicable  
26 participating agency, the information technology staff  
27 of participating agencies, to include directing the work  
28 of information technology staff, assigning information  
29 technology staff as required to support information technology  
30 requirements and initiatives of the office, and to review and  
31 recommend approval of information technology staff employment  
32 decisions in coordination with the department of management.

33 4. Prepare an annual budget for the office. Adopt rules  
34 for the approval of information technology budgets for  
35 participating agencies in conjunction with the department of

1 management.

2 5. Adopt rules deemed necessary for the administration of  
3 this chapter in accordance with chapter 17A.

4 6. Prescribe and adopt information technology standards and  
5 rules.

6 7. Develop and recommend legislative proposals deemed  
7 necessary for the continued efficiency of the office in  
8 performing information technology functions, and review  
9 legislative proposals generated outside of the office which are  
10 related to matters within the office's purview.

11 8. Provide advice to the governor on issues related to  
12 information technology.

13 9. Consult with agencies and other governmental entities on  
14 issues relating to information technology.

15 10. Work with all governmental entities in an effort to  
16 achieve the information technology goals established by the  
17 office.

18 11. Develop systems and methodologies to review, evaluate,  
19 and prioritize information technology projects.

20 12. Administer all accounting, billing, and collection  
21 functions required by the department of administrative services  
22 pursuant to policies adopted by the chief information officer  
23 after consultation and in cooperation with the director of the  
24 department of administrative services.

25 13. Utilize, in a manner determined by the chief information  
26 officer, such assistance and administrative support services as  
27 provided by the department of administrative services as the  
28 office determines to maximize the efficiency and effectiveness  
29 of the office.

30 14. Enter into contracts for the receipt and provision of  
31 services as deemed necessary. The chief information officer  
32 and the governor may obtain and accept grants and receipts  
33 to or for the state to be used for the administration of the  
34 office's functions as provided in this chapter.

35 15. Exercise and perform such other powers and duties as may

1 be prescribed by law.

2 Sec. 9. NEW SECTION. **8B.5 Prohibited interests**

3 — **penalty.**

4 The chief information officer shall not have any pecuniary  
5 interest, directly or indirectly, in any contract for supplies  
6 furnished to the state, or in any business enterprise involving  
7 any expenditure by the state. A violation of the provisions  
8 of this section is a serious misdemeanor, and upon conviction,  
9 the chief information officer shall be removed from office in  
10 addition to any other penalty.

11 Sec. 10. NEW SECTION. **8B.6 Acceptance of funds.**

12 The office may receive and accept donations, grants, gifts,  
13 and contributions in the form of moneys, services, materials,  
14 or otherwise, from the United States or any of its agencies,  
15 from this state or any of its agencies, or from any other  
16 person, and expend such moneys, services, materials, or other  
17 contributions, or issue grants, in carrying out the operations  
18 of the office. All federal grants to and the federal receipts  
19 of the office are appropriated for the purpose set forth in  
20 such federal grants or receipts. The office shall report  
21 annually to the general assembly on or before September 1 the  
22 donations, grants, gifts, and contributions with a monetary  
23 value of one thousand dollars or more that were received during  
24 the most recently concluded fiscal year.

25 Sec. 11. NEW SECTION. **8B.7 Federal funds.**

26 1. Neither the provisions of this chapter nor rules adopted  
27 pursuant to this chapter shall apply in any situation where  
28 such provision or rule is in conflict with a governing federal  
29 regulation or where the provision or rule would jeopardize the  
30 receipt of federal funds.

31 2. If it is determined by the attorney general that  
32 any provision of this chapter would cause denial of funds  
33 or services from the United States government which would  
34 otherwise be available to an agency of this state, such  
35 provision shall be suspended as to such agency, but only to the

1 extent necessary to prevent denial of such funds or services.

2 Sec. 12. NEW SECTION. **8B.8 Technology advisory council.**

3 1. *Definitions.* For purposes of this section, unless the  
4 context otherwise requires:

5 a. "*Large agency*" means a participating agency with more  
6 than seven hundred full-time, year-round employees.

7 b. "*Medium-sized agency*" means a participating agency with  
8 at least seventy or more full-time, year-round employees, but  
9 not more than seven hundred permanent employees.

10 c. "*Small agency*" means a participating agency with less  
11 than seventy full-time, year-round employees.

12 2. *Membership.*

13 a. The technology advisory council is composed of ten  
14 members as follows:

15 (1) The chief information officer.

16 (2) The director of the department of management, or the  
17 director's designee.

18 (3) Eight members appointed by the governor as follows:

19 (a) Three representatives from large agencies.

20 (b) Two representatives from medium-sized agencies.

21 (c) One representative from a small agency.

22 (d) Two public members who are knowledgeable and have  
23 experience in information technology matters.

24 b. (1) Members appointed pursuant to paragraph "a",  
25 subparagraph (3), shall serve two-year staggered terms. The  
26 office shall provide, by rule, for the commencement of the  
27 term of membership for the nonpublic members. The terms of  
28 the public members shall be staggered at the discretion of the  
29 governor.

30 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the  
31 public members of the council.

32 (3) Public members appointed by the governor are subject to  
33 senate confirmation.

34 (4) Public members appointed by the governor may be eligible  
35 to receive compensation as provided in section 7E.6.

1 (5) Members shall be reimbursed for actual and necessary  
2 expenses incurred in performance of the members' duties.

3 (6) A director, deputy director, or employee of an agency  
4 who has information technology expertise is preferred as an  
5 appointed representative for each of the agency categories of  
6 membership pursuant to paragraph "a", subparagraph (3).

7 c. The technology advisory council annually shall elect a  
8 chair and a vice chair from among the members of the council,  
9 by majority vote, to serve one-year terms.

10 d. A majority of the members of the council shall constitute  
11 a quorum.

12 e. Meetings of the council shall be held at the call of the  
13 chairperson or at the request of three members.

14 3. *Powers and duties of the council.* The powers and  
15 duties of the technology advisory council as they relate to  
16 information technology services shall include but are not  
17 limited to all of the following:

18 a. Make recommendations to the chief information officer  
19 regarding all of the following:

20 (1) Information technology standards to be applicable to  
21 all participating agencies.

22 (2) Technology utility services to be implemented by the  
23 office.

24 (3) Improvements to information technology service  
25 levels and modifications to the business continuity plan for  
26 information technology operations developed by the office for  
27 agencies, and to maximize the value of information technology  
28 investments by the state.

29 (4) Technology initiatives for the executive branch.

30 b. Advise the office regarding rates to be charged for  
31 access to and for value-added services performed through  
32 IowAccess.

33 Sec. 13. NEW SECTION. **8B.9 Reports required.**

34 The office shall provide all of the following reports:

35 1. An annual report of the office.

1 2. Internal service fund service business plans and  
2 financial reports as required under section 8B.13, subsection  
3 5, paragraph "a", and an annual internal service fund  
4 expenditure report as required under section 8B.13, subsection  
5 5, paragraph "b".

6 3. An annual report regarding total spending on technology  
7 as required under section 8B.21, subsection 6.

8 4. An annual report of expenditures from the IowAccess  
9 revolving fund as provided in section 8B.33.

10 Sec. 14. NEW SECTION. **8B.12 Services to governmental**  
11 **entities and nonprofit organizations.**

12 1. The chief information officer shall enter into  
13 agreements with state agencies, and may enter into agreements  
14 with any other governmental entity or a nonprofit organization,  
15 to furnish services and facilities of the office to the  
16 applicable governmental entity or nonprofit organization. The  
17 agreement shall provide for the reimbursement to the office of  
18 the reasonable cost of the services and facilities furnished.  
19 All governmental entities of this state may enter into such  
20 agreements. For purposes of this subsection, "nonprofit  
21 organization" means a nonprofit entity which is exempt from  
22 federal income taxation pursuant to section 501(c)(3) of the  
23 Internal Revenue Code and which is funded in whole or in part  
24 by public funds.

25 2. This chapter does not affect any city civil service  
26 programs established under chapter 400.

27 3. The state board of regents shall not be required to  
28 obtain any service for the state board of regents or any  
29 institution under the control of the state board of regents  
30 that is provided by the office pursuant to this chapter without  
31 the consent of the state board of regents.

32 Sec. 15. NEW SECTION. **8B.13 Office internal service funds.**

33 1. Activities of the office shall be accounted for  
34 within the general fund of the state, except that the chief  
35 information officer may establish and maintain internal

1 service funds in accordance with generally accepted accounting  
2 principles, as defined in section 8.57, subsection 4, for  
3 activities of the office which are primarily funded from  
4 billings to governmental entities for services rendered by  
5 the office. The establishment of an internal service fund is  
6 subject to the approval of the director of the department of  
7 management and the concurrence of the auditor of state. At  
8 least ninety days prior to the establishment of an internal  
9 service fund pursuant to this section, the chief information  
10 officer shall notify in writing the general assembly, including  
11 the legislative council, legislative fiscal committee, and the  
12 legislative services agency.

13 2. Internal service funds shall be administered by the  
14 office and shall consist of moneys collected by the office  
15 from billings issued in accordance with section 8B.15 and any  
16 other moneys obtained or accepted by the office, including  
17 but not limited to gifts, loans, donations, grants, and  
18 contributions, which are designated to support the activities  
19 of the individual internal service funds.

20 3. The proceeds of an internal service fund established  
21 pursuant to this section shall be used by the office for the  
22 operations of the office consistent with this chapter. The  
23 chief information officer may appoint the personnel necessary  
24 to ensure the efficient provision of services funded pursuant  
25 to an internal service fund established under this section.  
26 However, this usage requirement shall not limit or restrict  
27 the office from using proceeds from gifts, loans, donations,  
28 grants, and contributions in conformance with any conditions,  
29 directions, limitations, or instructions attached or related  
30 thereto.

31 4. Section 8.33 does not apply to any moneys in internal  
32 service funds established pursuant to this section.  
33 Notwithstanding section 12C.7, subsection 2, interest or  
34 earnings on moneys deposited in these funds shall be credited  
35 to these funds.

1 5. *a.* The chief information officer shall annually provide  
2 internal service fund service business plans and financial  
3 reports to the department of management and the general  
4 assembly. The business plans may include the recommendation  
5 that a portion of unexpended net income be periodically  
6 returned to the appropriate funding source.

7 *b.* The office shall submit an annual report not later  
8 than October 1 to the members of the general assembly and the  
9 legislative services agency of the activities funded by and  
10 expenditures made from an internal service fund established  
11 pursuant to this section during the preceding fiscal year.

12 **Sec. 16. NEW SECTION. 8B.14 Additional personnel.**

13 The office may employ, upon the approval of the department  
14 of management, additional personnel in excess of the number  
15 of full-time equivalent positions authorized by the general  
16 assembly if such additional personnel are reasonable and  
17 necessary to perform such duties as required to meet the  
18 needs of the office to provide services to other governmental  
19 entities and as authorized by this chapter. The chief  
20 information officer shall notify in writing the department  
21 of management, the legislative fiscal committee, and the  
22 legislative services agency of any additional personnel  
23 employed pursuant to this section.

24 **Sec. 17. NEW SECTION. 8B.15 Billing — credit card  
25 payments.**

26 1. The chief information officer may bill a governmental  
27 entity for services rendered by the office in accordance with  
28 the duties of the office as provided in this chapter. Bills  
29 may include direct, indirect, and developmental costs which  
30 have not been funded by an appropriation to the office. The  
31 office shall periodically render a billing statement to a  
32 governmental entity outlining the cost of services provided to  
33 the governmental entity. The amount indicated on the statement  
34 shall be paid by the governmental entity and amounts received  
35 by the office shall be considered repayment receipts as defined

1 in section 8.2, and deposited into the accounts of the office.

2 2. In addition to other forms of payment, a person may pay  
3 by credit card for services provided by the office, according  
4 to rules adopted by the treasurer of state. The credit card  
5 fees to be charged shall not exceed those permitted by statute.  
6 A governmental entity may adjust its payment to reflect the  
7 costs of processing as determined by the treasurer of state.  
8 The discount charged by the credit card issuer may be included  
9 in determining the fees to be paid for completing a financial  
10 transaction under this section by using a credit card. All  
11 credit card payments shall be credited to the fund used to  
12 account for the services provided.

13 Sec. 18. NEW SECTION. **8B.16 Office debts and liabilities**  
14 **— appropriation request.**

15 If a service provided by the office and funded from an  
16 internal service fund established under section 8B.13 ceases  
17 to be provided and insufficient funds remain in the internal  
18 service fund to pay any outstanding debts and liabilities  
19 relating to that service, the chief information officer shall  
20 notify the department of management and the general assembly  
21 and request that moneys be appropriated from the general fund  
22 of the state to pay such debts and liabilities.

23 Sec. 19. NEW SECTION. **8B.21 Information technology services**  
24 **— office powers and duties — responsibilities.**

25 1. *Powers and duties of office.* The powers and duties of  
26 the office as it relates to information technology services  
27 shall include but are not limited to all of the following:

28 a. Approving information technology for use by agencies and  
29 other governmental entities.

30 b. Implementing the strategic information technology plan.

31 c. Developing and implementing a business continuity plan,  
32 as the chief information officer determines is appropriate, to  
33 be used if a disruption occurs in the provision of information  
34 technology to participating agencies and other governmental  
35 entities.

1     *d.* Prescribing standards and adopting rules relating to  
2 cyber security, geospatial systems, application development,  
3 and information technology and procurement, including but  
4 not limited to system design and systems integration, and  
5 interoperability, which shall apply to all participating  
6 agencies except as otherwise provided in this chapter. The  
7 office shall implement information technology standards as  
8 established pursuant to this chapter which are applicable to  
9 information technology procurements for participating agencies.

10    *e.* Establishing an enterprise strategic and project  
11 management function for oversight of all information  
12 technology-related projects and resources of participating  
13 agencies.

14    *f.* (1) Developing and maintaining security policies and  
15 systems to ensure the integrity of the state's information  
16 resources and to prevent the disclosure of confidential  
17 records. The office shall ensure that the security policies  
18 and systems be consistent with the state's data transparency  
19 efforts by developing and implementing policies and systems for  
20 the sharing of data and information by participating agencies.

21    (2) Establishing statewide standards, to include periodic  
22 review and compliance measures, for information technology  
23 security to maximize the functionality, security, and  
24 interoperability of the state's distributed information  
25 technology assets, including but not limited to communications  
26 and encryption technologies.

27    (3) Requiring all information technology security services,  
28 solutions, hardware, and software purchased or used by a  
29 participating agency to be subject to approval by the office in  
30 accordance with security standards.

31    *g.* Developing and implementing effective and efficient  
32 strategies for the use and provision of information technology  
33 and information technology staff for participating agencies and  
34 other governmental entities.

35    *h.* Coordinating and managing the acquisition of information

1 technology services by participating agencies in furtherance  
2 of the purposes of this chapter. The office shall institute  
3 procedures to ensure effective and efficient compliance with  
4 the applicable standards established pursuant to this chapter.

5 *i.* Entering into contracts, leases, licensing agreements,  
6 royalty agreements, marketing agreements, memorandums of  
7 understanding, or other agreements as necessary and appropriate  
8 to administer this chapter.

9 *j.* Determining and implementing statewide efforts  
10 to standardize data elements, determine data ownership  
11 assignments, and implement the sharing of data.

12 *k.* Requiring that a participating agency provide such  
13 information as is necessary to establish and maintain an  
14 inventory of information technology used by participating  
15 agencies, and such participating agency shall provide such  
16 information to the office in a timely manner. The form and  
17 content of the information to be provided shall be determined  
18 by the office.

19 *l.* Requiring participating agencies to provide the full  
20 details of the agency's information technology and operational  
21 requirements upon request, report information technology  
22 security incidents to the office in a timely manner, provide  
23 comprehensive information concerning the information technology  
24 security employed by the agency to protect the agency's  
25 information technology, and forecast the parameters of the  
26 agency's projected future information technology security needs  
27 and capabilities.

28 *m.* Charging reasonable fees, costs, expenses, charges,  
29 or other amounts to an agency, governmental entity, public  
30 official, or person or entity related to the provision, sale,  
31 use, or utilization of, or cost sharing with respect to,  
32 information technology and any intellectual property interests  
33 related thereto; research and development; proprietary  
34 hardware, software, and applications; and information  
35 technology architecture and design. The office may enter

1 into nondisclosure agreements and take any other legal action  
2 reasonably necessary to secure a right to an interest in  
3 information technology development by or on behalf of the  
4 state of Iowa and to protect the state of Iowa's proprietary  
5 information technology and intellectual property interests.  
6 The provisions of chapter 23A relating to noncompetition  
7 by state agencies and political subdivisions with private  
8 enterprise shall not apply to office activities authorized  
9 under this paragraph.

10 *n.* Charging reasonable fees, costs, expenses, charges,  
11 or other amounts to an agency, governmental entity, public  
12 official, or other person or entity to or for whom information  
13 technology or other services have been provided by or on behalf  
14 of, or otherwise made available through, the office.

15 *o.* Providing, selling, leasing, licensing, transferring, or  
16 otherwise conveying or disposing of information technology, or  
17 any intellectual property or other rights with respect thereto,  
18 to agencies, governmental entities, public officials, or other  
19 persons or entities.

20 *p.* Entering into partnerships, contracts, leases, or other  
21 agreements with public and private entities for the evaluation  
22 and development of information technology pilot projects.

23 *q.* Initiating and supporting the development of electronic  
24 commerce, electronic government, and internet applications  
25 across participating agencies and in cooperation with  
26 other governmental entities. The office shall foster joint  
27 development of electronic commerce and electronic government  
28 involving the public and private sectors, develop customer  
29 surveys and citizen outreach and education programs and  
30 material, and provide for citizen input regarding the state's  
31 electronic commerce and electronic government applications.

32 *2. Responsibilities.* The responsibilities of the office  
33 as it relates to information technology services include the  
34 following:

35 *a.* Coordinate the activities of the office in promoting,

1 integrating, and supporting information technology in all  
2 business aspects of state government.

3     *b.* Provide for server systems, including mainframe and  
4 other server operations, desktop support, and applications  
5 integration.

6     *c.* Provide applications development, support, and training,  
7 and advice and assistance in developing and supporting business  
8 applications throughout state government.

9     3. *Information technology charges.* The office shall  
10 render a statement to an agency, governmental entity, public  
11 official, or other person or entity to or for whom information  
12 technology, value-added services, or other items or services  
13 have been provided by or on behalf of, or otherwise made  
14 available through, the office. Such an agency, governmental  
15 entity, public official, or other person or entity shall pay  
16 an amount indicated on such statement in a manner determined  
17 by the office.

18     4. *Dispute resolution.* If a dispute arises between the  
19 office and an agency for which the office provides or refuses  
20 to provide information technology, the dispute shall be  
21 resolved as provided in section 679A.19.

22     5. *Waivers.*

23     *a.* The office shall adopt rules allowing for participating  
24 agencies to seek a temporary or permanent waiver from any of  
25 the requirements of this chapter concerning the acquisition,  
26 utilization, or provision of information technology. The rules  
27 shall provide that a waiver may be granted upon a written  
28 request by a participating agency and approval of the chief  
29 information officer. A waiver shall only be approved if the  
30 participating agency shows that a waiver would be in the best  
31 interests of the state.

32     *b.* Prior to approving or denying a request for a waiver, the  
33 chief information officer shall consider all of the following:

34         (1) Whether the failure to grant a waiver would violate  
35 any state or federal law or any published policy, standard,

1 or requirement established by a governing body other than the  
2 office.

3 (2) Whether the failure to grant a waiver would result in  
4 the duplication of existing services, resources, or support.

5 (3) Whether the waiver would obstruct the state's  
6 information technology strategic plan, enterprise architecture,  
7 security plans, or any other information technology policy,  
8 standard, or requirement.

9 (4) Whether the waiver would result in excessive  
10 expenditures or expenditures above market rates.

11 (5) The life cycle of the system or application for which  
12 the waiver is requested.

13 (6) Whether the participating agency can show that it can  
14 obtain or provide the information technology more economically  
15 than the information technology can be provided by the office.  
16 For purposes of determining if the participating agency can  
17 obtain or provide the information technology more economically,  
18 the chief information officer shall consider the impact on  
19 other participating agencies if the waiver is granted or  
20 denied.

21 (7) Whether the failure to grant a waiver would jeopardize  
22 federal funding.

23 *c.* Rules adopted pursuant to this subsection relating to a  
24 request for a waiver, at a minimum, shall provide for all of  
25 the following:

26 (1) The request shall be in writing and signed by the head  
27 of the participating agency seeking the waiver.

28 (2) The request shall include a reference to the specific  
29 policy, standard, or requirement for which the waiver is  
30 submitted.

31 (3) The request shall include a statement of facts including  
32 a description of the problem or issue prompting the request;  
33 the participating agency's preferred solution; an alternative  
34 approach to be implemented by the participating agency intended  
35 to satisfy the waived policy, standard, or requirement; the

1 business case for the alternative approach; a third party audit  
2 or report that compares the participating agency's preferred  
3 solution to the information technology solution that can be  
4 provided by the office; the economic justification for the  
5 waiver or a statement as to why the waiver is in the best  
6 interests of the state; the time period for which the waiver is  
7 requested; and any other information deemed appropriate.

8 *d.* A participating agency may appeal the decision of the  
9 chief information officer to the director of the department of  
10 management within seven calendar days following the decision of  
11 the chief information officer. The director of the department  
12 of management shall respond within fourteen days following the  
13 receipt of the appeal.

14 *e.* The department of public defense shall not be required  
15 to obtain any information technology services pursuant to this  
16 chapter for the department of public defense that is provided  
17 by the office pursuant to this chapter without the consent of  
18 the adjutant general.

19 *6. Annual report.* On an annual basis, prepare a report to  
20 the governor, the department of management, and the general  
21 assembly regarding the total spending on technology for the  
22 previous fiscal year, the total amount appropriated for the  
23 current fiscal year, and an estimate of the amount to be  
24 requested for the succeeding fiscal year for all agencies. The  
25 report shall include a five-year projection of technology cost  
26 savings, an accounting of the level of technology cost savings  
27 for the current fiscal year, and a comparison of the level of  
28 technology cost savings for the current fiscal year with that  
29 of the previous fiscal year. The report shall be filed as soon  
30 as possible after the close of a fiscal year, and by no later  
31 than the second Monday of January of each year.

32 **Sec. 20. NEW SECTION. 8B.22 Digital government.**

33 1. The office is responsible for initiating and  
34 supporting the development of electronic commerce, electronic  
35 government, mobile applications, and internet applications

1 across participating agencies and in cooperation with other  
2 governmental entities.

3 2. In developing the concept of digital government, the  
4 office shall do all of the following:

5 a. Establish standards, consistent with other state law, for  
6 the implementation of electronic commerce, including standards  
7 for electronic signatures, electronic currency, and other items  
8 associated with electronic commerce.

9 b. Establish guidelines for the appearance and functioning  
10 of applications.

11 c. Establish standards for the integration of electronic  
12 data across state agencies.

13 d. Foster joint development of electronic commerce and  
14 electronic government involving the public and private sectors.

15 e. Develop customer surveys and citizen outreach and  
16 education programs and material, and provide for citizen input  
17 regarding the state's electronic commerce and electronic  
18 government applications.

19 f. Assist participating agencies in converting printed  
20 government materials to electronic materials which can be  
21 accessed through an internet searchable database.

22 g. Encourage participating agencies to utilize duplex  
23 printing and a print on demand strategy to reduce printing  
24 costs, publication overruns, excessive inventory, and obsolete  
25 printed materials.

26 Sec. 21. NEW SECTION. 8B.23 Information technology  
27 standards.

28 1. The office shall develop and adopt information  
29 technology standards applicable to the procurement of  
30 information technology by all participating agencies. Such  
31 standards, unless waived by the office, shall apply to all  
32 information technology procurements for participating agencies.

33 2. The office of the governor or the office of an elective  
34 constitutional or statutory officer shall consult with the  
35 office prior to procuring information technology and consider

1 the information technology standards adopted by the office, and  
2 provide a written report to the office relating to the other  
3 office's decision regarding such acquisitions.

4 Sec. 22. NEW SECTION. **8B.24 Procurement of information**  
5 **technology.**

6 1. Standards established by the office, unless waived by the  
7 office, shall apply to all information technology procurements  
8 for participating agencies.

9 2. The office shall institute procedures to ensure  
10 effective and efficient compliance with standards established  
11 by the office.

12 3. The office shall develop policies and procedures  
13 that apply to all information technology goods and services  
14 acquisitions, and shall ensure the compliance of all  
15 participating agencies. The office shall also be the sole  
16 provider of infrastructure services for participating agencies.

17 4. The office, by rule, may implement a prequalification  
18 procedure for contractors with which the office has entered or  
19 intends to enter into agreements regarding the procurement of  
20 information technology.

21 5. Notwithstanding the provisions governing purchasing as  
22 provided in chapter 8A, subchapter III, the office may procure  
23 information technology as provided in this section. The  
24 office may cooperate with other governmental entities in the  
25 procurement of information technology in an effort to make such  
26 procurements in a cost-effective, efficient manner as provided  
27 in this section. The office, as deemed appropriate and cost  
28 effective, may procure information technology using any of the  
29 following methods:

30 a. Cooperative procurement agreement. The office may  
31 enter into a cooperative procurement agreement with another  
32 governmental entity relating to the procurement of information  
33 technology, whether such information technology is for the use  
34 of the office or other governmental entities. The cooperative  
35 procurement agreement shall clearly specify the purpose of

1 the agreement and the method by which such purpose will be  
2 accomplished. Any power exercised under such agreement shall  
3 not exceed the power granted to any party to the agreement.

4 *b.* Negotiated contract. The office may enter into an  
5 agreement for the purchase of information technology if any of  
6 the following applies:

7 (1) The contract price, terms, and conditions are pursuant  
8 to the current federal supply contract, and the purchase order  
9 adequately identifies the federal supply contract under which  
10 the procurement is to be made.

11 (2) The contract price, terms, and conditions are no less  
12 favorable than the contractor's current federal supply contract  
13 price, terms, and conditions; the contractor has indicated  
14 in writing a willingness to extend such price, terms, and  
15 conditions to the office; and the purchase order adequately  
16 identifies the contract relied upon.

17 (3) The contract is with a vendor who has a current  
18 exclusive or nonexclusive price agreement with the state for  
19 the information technology to be procured, and such information  
20 technology meets the same standards and specifications as the  
21 items to be procured and both of the following apply:

22 (a) The quantity purchased does not exceed the quantity  
23 which may be purchased under the applicable price agreement.

24 (b) The purchase order adequately identifies the price  
25 agreement relied upon.

26 *c.* Contracts let by another governmental entity. The  
27 office, on its own behalf or on the behalf of another  
28 participating agency or governmental entity, may procure  
29 information technology under a contract let by another agency  
30 or other governmental entity, or approve such procurement in  
31 the same manner by a participating agency or governmental  
32 entity. The office, on its own behalf or on the behalf of  
33 another participating agency or governmental entity, may also  
34 procure information technology by leveraging an existing  
35 competitively procured contract, other than a contract

1 associated with the state board of regents or an institution  
2 under the control of the state board of regents.

3 *d.* Reverse auction.

4 (1) The office may enter into an agreement for the purchase  
5 of information technology utilizing a reverse auction process.  
6 Such process shall result in the purchase of information  
7 technology from the vendor submitting the lowest responsible  
8 bid amount for the information technology to be acquired. The  
9 office, in establishing a reverse auction process, shall do all  
10 of the following:

11 (a) Determine the specifications and requirements of the  
12 information technology to be acquired.

13 (b) Identify and provide notice to potential vendors  
14 concerning the proposed acquisition.

15 (c) Establish prequalification requirements to be met by a  
16 vendor to be eligible to participate in the reverse auction.

17 (d) Conduct the reverse auction in a manner as deemed  
18 appropriate by the office and consistent with rules adopted by  
19 the office.

20 (2) Prior to conducting a reverse auction, the office  
21 shall establish a threshold amount which shall be the maximum  
22 amount that the office is willing to pay for the information  
23 technology to be acquired.

24 (3) The office shall enter into an agreement with a  
25 vendor who is the lowest responsible bidder which meets the  
26 specifications or description of the information technology  
27 to be procured, or the office may reject all bids and begin  
28 the process again. In determining the lowest responsible  
29 bidder, the office may consider various factors including but  
30 not limited to the past performance of the vendor relative  
31 to quality of product or service, the past experience of the  
32 office in relation to the product or service, the relative  
33 quality of products or services, the proposed terms of  
34 delivery, and the best interest of the state.

35 *e.* Competitive bidding. The office may enter into an

1 agreement for the procurement or acquisition of information  
2 technology in the same manner as provided under chapter 8A,  
3 subchapter III, for the purchasing of service.

4 *f.* Other agreement. In addition to the competitive bidding  
5 procedure provided for under paragraph "e", the office may  
6 enter into an agreement for the purchase, disposal, or other  
7 disposition of information technology in the same manner and  
8 subject to the same limitations as otherwise provided in  
9 this chapter. The office, by rule, shall provide for such  
10 procedures.

11 6. The office shall adopt rules pursuant to chapter 17A to  
12 implement the procurement methods and procedures provided for  
13 in subsections 2 through 5.

14 Sec. 23. NEW SECTION. **8B.31 IowAccess — office duties and**  
15 **responsibilities.**

16 1. *IowAccess.* The office shall establish IowAccess as  
17 a service to the citizens of this state that is the gateway  
18 for one-stop electronic access to government information and  
19 transactions, whether federal, state, or local. Except as  
20 provided in this section, IowAccess shall be a state-funded  
21 service providing access to government information and  
22 transactions. The office, in establishing the fees for  
23 value-added services, shall consider the reasonable cost of  
24 creating and organizing such government information through  
25 IowAccess.

26 2. *Duties.* The office shall do all of the following:

27 *a.* Establish rates to be charged for access to and for  
28 value-added services performed through IowAccess.

29 *b.* Approve and establish the priority of projects  
30 associated with IowAccess. The determination may also include  
31 requirements concerning funding for a project proposed by  
32 a political subdivision of the state or an association,  
33 the membership of which is comprised solely of political  
34 subdivisions of the state. Prior to approving a project  
35 proposed by a political subdivision, the office shall verify

1 that all of the following conditions are met:

2 (1) The proposed project provides a benefit to the state.

3 (2) The proposed project, once completed, can be shared  
4 with and used by other political subdivisions of the state, as  
5 appropriate.

6 (3) The state retains ownership of any final product or is  
7 granted a permanent license to the use of the product.

8 c. Establish expected outcomes and effects of the use of  
9 IowAccess and determine the manner in which such outcomes are  
10 to be measured and evaluated.

11 d. Establish the IowAccess total budget request and  
12 ensure that such request reflects the priorities and goals of  
13 IowAccess as established by the office.

14 e. Advocate for access to government information and  
15 services through IowAccess and for data privacy protection,  
16 information ethics, accuracy, and security in IowAccess  
17 programs and services.

18 f. Receive status and operations reports associated with  
19 IowAccess.

20 3. *Data purchasing.* This section shall not be construed  
21 to impair the right of a person to contract to purchase  
22 information or data from the Iowa court information system  
23 or any other governmental entity. This section shall not be  
24 construed to affect a data purchase agreement or contract in  
25 existence on April 25, 2000.

26 Sec. 24. NEW SECTION. 8B.32 **Financial transactions.**

27 1. Moneys paid to a participating agency from persons who  
28 complete an electronic financial transaction with the agency by  
29 accessing IowAccess shall be transferred to the treasurer of  
30 state for deposit in the general fund of the state, unless the  
31 disposition of the moneys is specifically provided for under  
32 other law. The moneys may include all of the following:

33 a. Fees required to obtain an electronic public record as  
34 provided in section 22.3A.

35 b. Fees required to process an application or file a

1 document, including but not limited to fees required to obtain  
2 a license issued by a licensing authority.

3 c. Moneys owed to a governmental entity by a person  
4 accessing IowAccess in order to satisfy a liability  
5 arising from the operation of law, including the payment of  
6 assessments, taxes, fines, and civil penalties.

7 2. Moneys transferred using IowAccess may include amounts  
8 owed by a governmental entity to a person accessing IowAccess  
9 in order to satisfy a liability of the governmental entity.  
10 The moneys may include the payment of tax refunds, and the  
11 disbursement of support payments as defined in section 252D.16  
12 or 598.1 as required for orders issued pursuant to section  
13 252B.14.

14 3. In addition to other forms of payment, credit cards shall  
15 be accepted in payment for moneys owed to or fees imposed by a  
16 governmental entity in the same manner as provided in section  
17 8B.15.

18 Sec. 25. NEW SECTION. **8B.33 IowAccess revolving fund.**

19 1. An IowAccess revolving fund is created in the state  
20 treasury. The revolving fund shall be administered by the  
21 office and shall consist of moneys collected by the office as  
22 fees, moneys appropriated by the general assembly, and any  
23 other moneys obtained or accepted by the office for deposit in  
24 the revolving fund. The proceeds of the revolving fund are  
25 appropriated to and shall be used by the office to maintain,  
26 develop, operate, and expand IowAccess consistent with this  
27 chapter, and for the support of activities of the technology  
28 advisory council pursuant to section 8B.8.

29 2. The office shall submit an annual report not later than  
30 January 31 to the members of the general assembly and the  
31 legislative services agency of the activities funded by and  
32 expenditures made from the revolving fund during the preceding  
33 fiscal year. Section 8.33 does not apply to any moneys in the  
34 revolving fund, and, notwithstanding section 12C.7, subsection  
35 2, earnings or interest on moneys deposited in the revolving

1 fund shall be credited to the revolving fund.

2 Sec. 26. Section 8D.4, Code 2013, is amended to read as  
3 follows:

4 **8D.4 Executive director appointed.**

5 The commission, in consultation with the director of  
6 the department of administrative services and the chief  
7 information officer, shall appoint an executive director of  
8 the commission, subject to confirmation by the senate. Such  
9 individual shall not serve as a member of the commission.  
10 The executive director shall serve at the pleasure of the  
11 commission. The executive director shall be selected primarily  
12 for administrative ability and knowledge in the field, without  
13 regard to political affiliation. The governor shall establish  
14 the salary of the executive director within range nine as  
15 established by the general assembly. The salary and support of  
16 the executive director shall be paid from funds deposited in  
17 the Iowa communications network fund.

18 Sec. 27. Section 12C.1, subsection 2, paragraph e,  
19 subparagraph (6), Code 2013, is amended to read as follows:

20 (6) Moneys placed in a depository for the purpose of  
21 completing an electronic financial transaction pursuant to  
22 section ~~8A.222~~ 8B.32 or 331.427.

23 Sec. 28. Section 12C.4, Code 2013, is amended to read as  
24 follows:

25 **12C.4 Location of depositories.**

26 Deposits by the treasurer of state shall be in depositories  
27 located in this state; by a county officer or county public  
28 hospital officer or merged area hospital officer, in  
29 depositories located in the county or in an adjoining county  
30 within this state; by a memorial hospital treasurer, in a  
31 depository located within this state which shall be selected  
32 by the memorial hospital treasurer and approved by the  
33 memorial hospital commission; by a city treasurer or other  
34 city financial officer, in depositories located in the county  
35 in which the city is located or in an adjoining county, but

1 if there is no depository in the county in which the city is  
 2 located or in an adjoining county then in any other depository  
 3 located in this state which shall be selected as a depository  
 4 by the city council; by a school treasurer or by a school  
 5 secretary in a depository within this state which shall be  
 6 selected by the board of directors or the trustees of the  
 7 school district; by a township clerk in a depository located  
 8 within this state which shall be selected by the township  
 9 clerk and approved by the trustees of the township. However,  
 10 deposits may be made in depositories outside of Iowa for the  
 11 purpose of paying principal and interest on bonded indebtedness  
 12 of any municipality when the deposit is made not more than ten  
 13 days before the date the principal or interest becomes due.  
 14 Further, the treasurer of state may maintain an account or  
 15 accounts outside the state of Iowa for the purpose of providing  
 16 custodial services for the state and state retirement fund  
 17 accounts. Deposits made for the purpose of completing an  
 18 electronic financial transaction pursuant to section ~~8A.222~~  
 19 8B.32 or 331.427 may be made in any depository located in this  
 20 state.

21 Sec. 29. Section 23A.2, subsection 10, paragraph o, Code  
 22 2013, is amended to read as follows:

23 o. The performance of an activity authorized pursuant to  
 24 section ~~8A.202~~ 8B.21, subsection ~~2~~ 1, paragraph ~~"j"~~ "m".

25 Sec. 30. Section 262.9B, subsection 3, paragraph a, Code  
 26 2013, is amended to read as follows:

27 a. The board shall direct institutions under its control  
 28 to cooperate with the chief information officer of the state  
 29 in efforts to cooperatively obtain information technology  
 30 and related services that result in mutual cost savings  
 31 and efficiency improvements, and shall seek input from the  
 32 ~~department of administrative services and the~~ chief information  
 33 officer of the state regarding specific areas of potential  
 34 cooperation between the institutions under the control of the  
 35 board and the ~~department of administrative services~~ office of

1 the chief information officer.

2 Sec. 31. REPEAL. Sections 8A.201, 8A.201A, 8A.202, 8A.203,  
3 8A.204, 8A.205, 8A.206, 8A.207, 8A.221, 8A.222, and 8A.224,  
4 Code 2013, are repealed.

5 Sec. 32. ADMINISTRATIVE RULES — TRANSITION  
6 PROVISIONS. Any rule, regulation, form, order, or directive  
7 promulgated by the department of administrative services as  
8 it relates to information technology and in effect on the  
9 effective date of this division of this Act shall continue in  
10 full force and effect until amended, repealed, or supplemented  
11 by affirmative action of the office of the chief information  
12 officer as established in this division of this Act.

13 Sec. 33. MISCELLANEOUS TRANSITION PROVISIONS.

14 1. Any personnel in the state merit system of employment who  
15 are mandatorily transferred due to the effect of this division  
16 of this Act shall be so transferred without any loss in salary,  
17 benefits, or accrued years of service.

18 2. Any funds in any account or fund of the department of  
19 administrative services as it relates to information technology  
20 shall be transferred to the comparable fund or account as  
21 established and provided by this division of this Act.

22 3. Any cause of action or statute of limitation relating to  
23 the information technology duties provided by the department  
24 of administrative services that are transferred to the office  
25 of the chief information officer as provided by this division  
26 of this Act shall not be affected as a result of the transfer  
27 and such cause or statute of limitation shall apply to the  
28 successor office.

29 Sec. 34. OFFICE OF THE CHIEF INFORMATION OFFICER —  
30 INFORMATION TECHNOLOGY DEVICE INVENTORY.

31 1. The office of the chief information officer shall  
32 complete an inventory of information technology devices  
33 utilized by the office and participating agencies, as defined  
34 in section 8B.1, as enacted by this division of this Act. The  
35 office shall conduct the inventory with the goal of identifying

1 potential information technology device upgrades, changes, or  
2 other efficiencies that will meet the information technology  
3 needs of the applicable department or agency at reduced cost  
4 to the state.

5 2. The office shall submit a report to the general assembly  
6 by January 1, 2014, describing the office's actions as required  
7 by this section. The report shall, if applicable, identify  
8 any statutory barriers or needed technology investments for  
9 pursuing efforts described in this section and shall include in  
10 the report its findings and any recommendations for legislative  
11 action.

12 Sec. 35. OFFICE OF THE CHIEF INFORMATION OFFICER —  
13 INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.

14 1. The office of the chief information officer, in  
15 accordance with the requirements of Code section 8B.21,  
16 subsection 1, paragraph "h", as enacted by this division of  
17 this Act, shall coordinate and manage information technology  
18 services within the office, shall establish a schedule by which  
19 all departments subject to the requirements of that Act and  
20 chapter 8B, as enacted by this division of this Act, shall  
21 comply with these requirements. The schedule shall provide  
22 for implementation of the requirements to all affected state  
23 agencies and departments by December 31, 2014. The office  
24 shall submit a copy of the schedule to the general assembly  
25 by July 31, 2013, and shall provide periodic updates to the  
26 general assembly on the progress of meeting the time deadlines  
27 contained in the schedule.

28 2. In procuring information technology as provided in  
29 section 8B.24, as enacted by this division of this Act, the  
30 office should explore strategies of procuring information  
31 technology through leasing.

32 DIVISION II

33 PHASED RETIREMENT PROGRAM

34 Sec. 36. Section 70A.30, Code 2013, is amended to read as  
35 follows:



1 technology, and the state accounting enterprise.

2 DIVISION IV

3 STATE PHYSICAL RESOURCES

4 Sec. 40. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS  
5 AND REPORT. By September 30, 2013, the department of  
6 administrative services shall conduct a high level needs  
7 analysis of state employee work stations and office standards,  
8 assessing adequate square footage needs, and creating healthy,  
9 productive, and efficient work environments in an economical  
10 manner. Overall objectives of the analysis shall include  
11 improving employee density; properly allocating space for  
12 individual and group work; improving worker health and  
13 safety; improving technology integration; and improving energy  
14 efficiency and sustainability in state offices. The department  
15 shall submit findings and recommendations to the capitol  
16 planning commission and to the legislative fiscal committee by  
17 October 30, 2013.

18 DIVISION V

19 AUDITS

20 Sec. 41. Section 11.6, subsection 10, Code 2013, is amended  
21 to read as follows:

22 10. The auditor of state shall adopt rules in accordance  
23 with chapter 17A to establish and collect a filing fee for  
24 the filing of each report of audit or examination conducted  
25 pursuant to ~~subsections 1 through 3~~ subsection 1, paragraphs "a"  
26 and "c", subsection 2, and subsection 3. The funds collected  
27 shall be maintained in a segregated account for use by the  
28 office of the auditor of state in performing audits conducted  
29 pursuant to subsection 4 and for work paper reviews conducted  
30 pursuant to subsection 5. Any funds collected by the auditor  
31 pursuant to subsection 4 shall be deposited in this account.  
32 Notwithstanding section 8.33, the funds in this account shall  
33 not revert at the end of any fiscal year.

34 Sec. 42. EFFECTIVE UPON ENACTMENT. This division of this  
35 Act, being deemed of immediate importance, takes effect upon

1 enactment.

2 DIVISION VI

3 ELECTRONIC COMMUNICATIONS

4 Sec. 43. Section 22.7, Code 2013, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 65. Electronic mail addresses of  
7 individuals collected by state departments and agencies for the  
8 sole purpose of disseminating routine information and notices  
9 through electronic communications that are not prepared for a  
10 specific recipient.

11 Sec. 44. STATE DEPARTMENT AND AGENCY LIMITATIONS ON  
12 MAIL. Notwithstanding any provision of the law to the  
13 contrary, a state department or agency shall provide  
14 departmental or agency notices or information through the  
15 department's or agency's internet site or through electronic  
16 mail to the fullest extent possible. This requirement shall  
17 not apply to department and agency communications required for  
18 purposes of pursuing legal action or to comply with federal  
19 law. Departments and agencies shall have rulemaking authority  
20 to implement this section and to collect electronic mail  
21 addresses for the purpose of electronic communications.

22 DIVISION VII

23 PUBLIC HEALTH

24 Sec. 45. Section 147A.24, subsection 1, paragraph q, Code  
25 2013, is amended by striking the paragraph and inserting in  
26 lieu thereof the following:

27 *q.* Iowa's Medicare quality improvement organization.

28 Sec. 46. Section 147A.24, subsection 4, Code 2013, is  
29 amended by adding the following new paragraph:

30 NEW PARAGRAPH. *h.* Develop, implement, and conduct trauma  
31 care system evaluation, quality assessment, and quality  
32 improvement.

33 Sec. 47. Section 147A.24, Code 2013, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 5. Proceedings, records, and reports

1 developed pursuant to this section constitute peer review  
2 records under section 147.135, and are not subject to discovery  
3 by subpoena or admissible as evidence. All information and  
4 documents received from a hospital or emergency care facility  
5 under this subchapter shall be confidential pursuant to section  
6 272C.6, subsection 4.

7 Sec. 48. Section 147A.26, subsection 1, Code 2013, is  
8 amended to read as follows:

9 1. The department shall maintain a statewide trauma  
10 reporting system by which ~~the system evaluation and quality~~  
11 ~~improvement committee~~, the trauma system advisory council, and  
12 the department may monitor the effectiveness of the statewide  
13 trauma care system.

14 Sec. 49. REPEAL. Section 147A.25, Code 2013, is repealed.

15 Sec. 50. REPEAL. Chapter 135N, Code 2013, is repealed.

16

DIVISION VIII

17

PUBLIC SAFETY PEACE OFFICERS' RETIREMENT SYSTEM

18 Sec. 51. Section 97A.6, subsection 7, paragraph a,  
19 subparagraph (1), Code 2013, is amended to read as follows:

20 (1) Should any beneficiary for either ordinary or  
21 accidental disability, except a beneficiary who is fifty-five  
22 years of age or over and would have completed twenty-two years  
23 of service if the beneficiary had remained in active service,  
24 be engaged in a gainful occupation paying more than the  
25 difference between the member's net retirement allowance and  
26 ~~one~~ two and one-half times the current earnable compensation  
27 of an active member at the same position on the salary scale  
28 within the member's rank as the member held at retirement, then  
29 the amount of the retirement allowance shall be reduced to an  
30 amount such that the member's net retirement allowance plus the  
31 amount earned by the member shall equal ~~one~~ two and one-half  
32 times the amount of the current earnable compensation of an  
33 active member at the same position on the salary scale within  
34 the member's rank as the member held at retirement. Should  
35 the member's earning capacity be later changed, the amount of

1 the retirement allowance may be further modified, provided  
2 that the new retirement allowance shall not exceed the amount  
3 of the retirement allowance originally granted adjusted by  
4 annual readjustments of pensions pursuant to subsection 14 of  
5 this section nor an amount which would cause the member's net  
6 retirement allowance, when added to the amount earned by the  
7 beneficiary, to equal ~~one~~ two and one-half times the amount  
8 of the current earnable compensation of an active member at  
9 the same position on the salary scale within the member's rank  
10 as the member held at retirement. A beneficiary restored  
11 to active service at a salary less than the average final  
12 compensation upon the basis of which the member was retired at  
13 age fifty-five or greater, shall not again become a member of  
14 the retirement system and shall have the member's retirement  
15 allowance suspended while in active service. If the rank or  
16 position held by the retired member is subsequently abolished,  
17 adjustments to the allowable limit on the amount of income  
18 which can be earned in a gainful occupation shall be computed  
19 in the same manner as provided in subsection 14, paragraph "c",  
20 of this section for readjustment of pensions when a rank or  
21 position has been abolished. If the salary scale associated  
22 with a member's rank at retirement is changed after the member  
23 retires, earnable compensation for purposes of this section  
24 shall be based upon the salary an active member currently  
25 would receive at the same rank and with seniority equal to  
26 that of the retired member at the time of retirement. For  
27 purposes of this paragraph, "net retirement allowance" means  
28 the amount determined by subtracting the amount paid during the  
29 previous calendar year by the beneficiary for health insurance  
30 or similar health care coverage for the beneficiary and the  
31 beneficiary's dependents from the amount of the member's  
32 retirement allowance paid for that year pursuant to this  
33 chapter. The beneficiary shall submit sufficient documentation  
34 to the board of trustees to permit the system to determine the  
35 member's net retirement allowance for the applicable year.

DIVISION IX

PUBLIC SAFETY COMMUNICATIONS

1  
2  
3 Sec. 52. NEW SECTION. 34A.11 Communications — single  
4 point-of-contact.

5 1. The joint E911 service board in each enhanced 911  
6 service area shall designate a person to serve as a single  
7 point-of-contact to facilitate the communication of needs,  
8 issues, or concerns regarding emergency communications,  
9 interoperability, and other matters applicable to  
10 emergency E911 communications and migration to an internet  
11 protocol-enabled next generation network. The person  
12 designated as the single point-of-contact shall be responsible  
13 for facilitating the communication of such needs, issues, or  
14 concerns between public or private safety agencies within the  
15 service area, the E911 program manager, the E911 communications  
16 council, the statewide interoperable communications system  
17 board established in section 80.28, and any other person,  
18 entity, or agency the person deems necessary or appropriate.  
19 The person designated shall also be responsible for responding  
20 to surveys or requests for information applicable to the  
21 service area received from a federal, state, or local agency,  
22 entity, or board.

23 2. In the event a joint E911 service board fails to  
24 designate a single point-of-contact by November 1, 2013, the  
25 chairperson of the joint E911 service board shall serve in that  
26 capacity. The E911 service board shall submit the name and  
27 contact information for the person designated as the single  
28 point-of-contact to the E911 program manager by January 1  
29 annually.

30 3. The provisions of this section shall be equally  
31 applicable to an alternative legal entity created pursuant to  
32 chapter 28E if such an entity is established as an alternative  
33 to a joint E911 service board as provided in section 34A.3.  
34 If such an entity is established, the governing body of  
35 that entity shall designate the single point-of-contact for

1 the entity, and the chairperson or representative official  
2 of the governing body shall serve in the event a single  
3 point-of-contact is not designated.

4 DIVISION X

5 REPORT — STATE DEBT COORDINATOR

6 Sec. 53. DEPARTMENT OF REVENUE AND OFFICE OF THE STATE  
7 DEBT COORDINATOR — REPORT. The director of revenue shall  
8 develop and recommend legislative proposals deemed necessary  
9 for the continued efficiency of the functions of the office of  
10 the state debt coordinator established in section 421C.1, and  
11 shall prepare and file a report detailing the recommendations.  
12 The report shall be filed by the director of revenue with  
13 the department of management, the governor, and the general  
14 assembly no later than January 13, 2014.

15 DIVISION XI

16 ONGOING PROGRAM REVIEW

17 Sec. 54. Section 2.69, subsection 4, Code 2013, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *0c.* Comprehensively review on a regular  
20 basis the programs and projects administered by state  
21 government to determine whether each program and project  
22 reviewed is effectively and efficiently meeting the needs for  
23 which created, and whether the needs remain applicable. The  
24 review shall consider whether modifications to the program or  
25 project reviewed could better meet the needs identified in a  
26 more effective manner.

27 DIVISION XII

28 BOARDS AND COMMISSIONS

29 Sec. 55. Section 190A.3, subsection 3, Code 2013, is amended  
30 to read as follows:

31 3. ~~The farm-to-school council~~ department of agriculture  
32 and land stewardship and the department of education shall  
33 seek to establish partnerships with public agencies and  
34 nonprofit organizations to implement a structure to facilitate  
35 communication between farmers and schools.

